

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BLACK LIVES MATTER SEATTLE-
KING COUNTY, ABIE EKENEZAR,
SHARON SAKAMOTO, MURACO
KYASHNA-TOCHA, ALEXANDER
WOLDEAB, NATHALIE GRAHAM,
AND ALEXANDRA CHEN,

Plaintiffs,

v.

CITY OF SEATTLE, SEATTLE POLICE
DEPARTMENT,

Defendant.

No. 2:20-cv-00887-RAJ

**JOINT STATEMENT ON
PROCEDURAL MATTERS FOR
EVIDENTIARY HEARING ON
CONTEMPT**

Pursuant to the Court’s Minute Order (Dkt. 90), Plaintiffs Black Lives Matter Seattle-King County, Abie Ekenezar, Sharon Sakamoto, Muraco Kyashna-tochá, Alexander Woldeab, Nathalie Graham, and Alexandra Chen, and Defendant City of Seattle (collectively the “Parties”) submit the following Joint Statement on procedural matters related to the evidentiary hearing on Plaintiffs’ motion for a finding of civil contempt:

A. Presentation of Evidence via Video Technology

The five-day evidentiary hearing is set for August 26 to September 1, 2020, and all proceedings will be held *via* Zoom videoconference as directed by the Court (Dkt. 89). The Parties will host trial exhibits on which they may rely at the hearing—including documents,

JOINT STATEMENT RE PROCEDURAL
MATTERS (No. 2:20-cv-00887-RAJ) –1

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1 video, or photographic evidence—on their respective computers, to be shared on the Zoom
2 platform at appropriate points in the hearing.

3 **B. Time Management**

4 The Parties will be allotted equal time (approximately 2.5 court days) to present evidence
5 and argument. The Parties' allotted time will be tracked by the Courtroom Deputy using "chess-
6 clock" style management, with a Party's time running during direct and re-direct of the Party's
7 own witnesses, and cross-examination of the other side's witnesses, as well as during its opening
8 statement and closing argument (and other arguments that might arise during the hearing). Each
9 side will have a maximum of twenty (20) minutes for an opening and thirty (30) minutes for
10 closing argument. Time used by the Court in questioning witnesses, if any, will be considered
11 direct examination, and therefore allotted to (*i.e.*, deducted from) the Party presenting that
12 witness.

13 **C. Form and Authentication of Evidence**

14 The Parties agree to a "hybrid" approach to introducing witness testimony, meaning that
15 such testimony may be introduced either live (*via* Zoom) or by sworn written declarations. The
16 declarations a Party intends to rely upon must be served on the opposing side no later than the
17 Initial Disclosure dates set by the Court (August 5 for Plaintiffs; August 12 for Defendant).
18 Those declarations must be submitted to the Court as attachments to the Joint Witness and
19 Exhibit List that, per Dkt. 90, must be filed by noon on August 18, 2020. The Parties agree that,
20 as admitted evidence, the declarations (including attached photographic exhibits or embedded
21 video links, if any), may be referred to and displayed during opening and closing arguments, and
22 may be presented verbatim or displayed (in whole or in part) by counsel during that Party's case-
23 in-chief.

24 The Parties agree to promptly confer regarding the evidence identified by each side
25 (including video), to determine whether they will stipulate to authenticity and admissibility.
26

1 **D. Review and Production of Police Video**

2 The Parties continue to discuss the scope of the production of police video.

3 Plaintiffs believe that, consistent with Defendant's representations at the July 31 hearing
4 and the Court's Minute Orders (Dkt. 89 and Dkt. 90), Defendant should produce relevant police
5 body-worn video evidence as part of its Initial Disclosures by noon on August 12, 2020.

6 Plaintiffs have communicated to Defendant the categories of video evidence that they regard as
7 relevant to the matters in controversy at the evidentiary hearing, and have requested that all such
8 relevant video be included in Defendant's August 12 production.

9 Defendant is reviewing video and expects to communicate to Plaintiff its position on the
10 scope of its anticipated production within the next 24 hours. Defendant agrees not to withhold
11 any relevant footage that it comes across during the course of Defendant's review.

12 The parties are still discussing their respective interpretations of what is relevant to this
13 proceeding and how such relevant videos will be marked for production, and which types of
14 videos would qualify. If the Parties are unable to agree on the scope of the production, Plaintiffs
15 intend to request a brief telephonic conference with the Court to obtain clarification on that
16 important issue.

1 DATED: August 4, 2020

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